

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ABRUZZO DOCG INC. d/b/a
TARALLUCCI E VINO, et al.,

Plaintiffs,

v.

ACCEPTANCE INDEMNITY INSURANCE
COMPANY, et al.,

Defendants.

Civil Action No.: 1:20-cv-04160-MKB-JO

**DEFENDANT METROPOLITAN PROPERTY AND CASUALTY
INSURANCE COMPANY'S JOINDER IN OPPOSITION TO REMAND**

Defendant Metropolitan Property and Casualty Insurance Company ("Metropolitan"), by and through its attorneys, Robinson & Cole LLP, hereby joins in "Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion to Remand" filed by co-defendant Acceptance Indemnity Insurance Company on October 20, 2020 (the "Opposition to Remand"). Metropolitan incorporates, adopts, and joins in the arguments and analysis set forth in the Opposition to Remand.

In further support of the Opposition to Remand, Metropolitan provides the following factual information. Metropolitan is alleged to have insured only one of the Plaintiffs in this lawsuit: RHLP 284 LLC ("RHLP 284").¹ (Amended Complaint, ECF Nos. 1-40 & 1-41 (the "Am. Compl."), ¶¶ 83, 512, 894). RHLP 284 is alleged to have been insured under one insurance contract issued by Metropolitan and asserts claims arising out of or related to that insurance

¹ While the Amended Complaint correctly identifies the policy number issued by Metropolitan, BP011456P2019 (the "Policy"), it incorrectly identifies RHLP 284 as the party that purchased the Policy from Metropolitan. The Policy purchased by and issued to Red Hook Lobster Pound, LLC, a distinct New York limited liability company. RHLP 284 is not a party to the Policy. Metropolitan will address the error in the Amended Complaint when the time comes to respond to the Amended Complaint.

contract. Metropolitan does not make any claims against any other defendant in this lawsuit (*see id.* at Fiftieth Cause of Action), and none of the other Plaintiffs make any claims against Metropolitan.

Metropolitan is a Rhode Island-based corporation. (*Id.*, ¶ 147). RHLP 284 is a New York limited liability company (*id.*, ¶ 83) with members that are citizens of New York (ECF No. 68, ¶ 19). There is complete diversity between Metropolitan and RHLP 284. Additionally, while RHLP 284 does not quantify the specific amount of damages it seeks against Metropolitan, it does allege that it is among “the most iconic and legendary restaurants...in New York City” which, together, have lost “hundreds of millions of dollars” due to COVID-19. (Am. Compl., ¶¶ 1, 2, 18). The Amended Complaint also alleges that RHLP 284 experienced a 70% reduction in the seating capacity of its restaurant due to government regulations imposed to combat COVID-19. (*Id.* at ¶ 13). Out of respect for any confidentiality concerns RHLP 284 may have with respect to its financial information, Metropolitan has not set forth RHLP 284’s financial information in detail herein. Metropolitan would submit this information under seal if RHLP 284 so requests and the Court allows. Based upon these allegations, and additional financial disclosures provided to Metropolitan in the underwriting process, the amount in controversy between Metropolitan and RHLP 284, exclusive of interest and costs, is alleged to exceed the sum of \$75,000.00.

As such, and as discussed in the Opposition to Remand, the Court should maintain Metropolitan’s right of removal based on diversity jurisdiction and deny Plaintiffs’ Motion to Remand.

Respectfully submitted,

/s/ Daniel F. Sullivan

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2020, a copy of the foregoing was served via email to the following counsel:

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